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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,842	06/01/2001	Akira Masumura	645-145	3721

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NEW YORK, NY 10036

EXAMINER

SAMPLE, DAVID R

ART UNIT	PAPER NUMBER
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1755

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/872,842

**Applicant(s)**

MASUMURA ET AL.

**Examiner**

David Sample

**Art Unit**

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-11, 13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-11, 13 and 14 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Any rejections and/or objections, made in the previous Office Action, and not repeated below, are hereby withdrawn.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Objections***

Claim 14 are objected to because of the following informalities:

In claim 14, line 2, "i-line" is misspelled as "i'line".

In claim 14, line 2, "mass %: %," should be "mass %: %".

In claim 14, second to last line, "LiO<sub>2</sub>" should be "Li<sub>2</sub>O".

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 is indefinite without claim 12 to provide context. In other words, claim 13 is unclear as to whether the claim requires the presence of one or more of fluorides, titanium oxide and arsenic oxide. For the purposes of what follows, the components are assumed to be optional.

***Claim Rejections - 35 USC § 102***

Claims 9-11, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Richard (US 4,612,292).

Richard discloses a glass composition that anticipates the composition of the instant claims 9-11, 13 and 14. See col. 10, lines 25-30. The composition appears to be in weight percent. See col. 8, line 35.

The reference does not disclose the properties recited in claim 11. However, a glass's properties are determined by its composition, and the glass of Richard is identical to the presently claimed composition. Therefore, the glass of the reference is presumed to be inherent to the composition of the reference. See MPEP 2112.

As to claim 14, the references do not disclose that the method is for making "an optical glass for lenses of an optical system of an i-line stepper." This is a statement of intended use, and a statement intended must result in a manipulate difference between the prior art and the claims. See MPEP 2111.02. No manipulative difference can be discerned between the prior art and claim 14.

Claims 10, 11, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Armistead (US 2,431,980).

Armistead discloses a glass composition that anticipates the composition of the instant claims 9-11, 13 and 14. See col. 3, lines 42-55, Example 6.

The reference does not disclose the properties recited in claim 11. However, a glass's properties are determined by its composition, and the glass of Armistead is identical to the

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presently claimed composition. Therefore, the glass of the reference is presumed to be inherent to the composition of the reference. See MPEP 2112.

As to claim 14, the references do not disclose that the method is for making “an optical glass for lenses of an optical system of an i-line stepper.” This is a statement of intended use, and a statement intended must result in a manipulate difference between the prior art and the claims. See MPEP 2111.02. No manipulative difference can be discerned between the prior art and claim 14.

Claim 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Miwa et al. (US Patent No. 5,057,464).

Miwa et al. discloses glass compositions with amounts of components that fall within the ranges of components of instant claim 14. See the table bridging col's 3-4, Examples 1, 2, and 4-10. Miwa discloses the method of making the glass at col. 3, lines 38-47.

The references do not disclose that the method is for making “an optical glass for lenses of an optical system of an i-line stepper.” This is a statement of intended use, and a statement intended must result in a manipulate difference between the prior art and the claims. See MPEP 2111.02. No manipulative difference can be discerned between the prior art and claim 14.

### ***Response to Arguments***

Applicant's arguments with respect to claims 9-11, 13 and 14 have been considered but are moot in view of the new ground(s) of rejection.


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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Sample whose telephone number is (571)272-1376. The examiner can normally be reached on Monday to Friday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
David Sample  
Primary Examiner  
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